

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Saaski et al.
Application No. : 10/809,043
Filed : March 25, 2004
Title : PORTABLE WRIST-WORN PERSONAL ELECTRONIC DEVICE

TC/A.U. : 2833
Examiner : Thanh S. Phan

Confirmation No. : 5787
Docket No. : 187-74
Dated : May 9, 2008

Commissioner for Patents
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(Printed Name)

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REPLY BRIEF

Sir:

This is Reply is submitted in response to the Examiner's Answer mailed on March 10, 2008.

I. REPLY TO EXAMINER'S ARGUMENTS

At page 6, lines 9-11 of the Examiner's Answer, the Examiner indicates that only an opinion is given as to why the invention is an improvement without sufficient proof. However, it is submitted that the advantages of the present invention are clear from the description provided at page 7 of the Appeal Brief. For example, as illustrated in the attached Figures A and B, which show a side view of the wristband/watchcase attachments in *Chagnoux* [U.S. Patent 6,176,612], if a downward or upward force F is applied to the wristband in *Chagnoux* that results in deformation of the wristband, the projections 4a-d could easily be pulled out of the corresponding grooves 2a-d. As a consequence, column 2, lines 43-48 and 60-61 of *Chagnoux*

indicate that the band or plate 4 must be rigid. Further, that distribution of longitudinal forces is applied over a greater surface area provided on the reverse side by the present invention when compared with merely the edges used in *Chagnoux* is clear from Figures 1 and 2 of the specification.

At page 7, the Examiner disagrees with the assertion that the Examiner failed to recognize the claimed limitations. However, it is submitted that the Examiner did not address these features during prosecution, which denied the Applicants a full and fair opportunity to respond. In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426 (CPPA 1976) ("the ultimate criterion of whether a rejection is considered 'new' in a decision by the board is whether appellants have had a fair opportunity to react to the thrust of the rejection"); Ex parte Frank J. Lachut, 2002 WL 31257834, 5-6 (Bd.Pat.App. & Interf.) (directing the examiner to "reformulate the rejection and provide a clear and consistent analysis" in response to a new point raised in the Examiner's Answer); Ex parte James H. Pickar, 2007 WL 2745811, 2 (Bd.Pat.App. & Interf.) (designating an affirmation of the Examiner's rejection as a new ground even though it was not strictly required under the Kronig standard).

On pages 6 and 7 of the Answer, the Examiner now addresses this feature by agreeing that the "studs of *Chagnoux* are located on the right and left edges of the wristband". However, the Examiner indicates that column 2, lines 51-57, as well as Figures 1 and 3 of *Chagnoux* disclose that the "studs are located on the reverse side" and contends that Figure 3 shows the studs located on the "horizontal plan [sic] of the front/reverse side of the wristband". The

Examiner appears to argue that because the studs extend radially beyond the horizontal plane of the wristband, the studs are necessarily located on the front/reverse side of the wristband.

However, it is submitted that column 2, lines 51-57 do not disclose studs being located on the reverse side and that column 2, lines 48-50 of *Chagnoux* discloses that the "[c]atches 1a, 1b, 1c and 1d are preferably arranged at the free end of plate 4 and are disposed respectively along the external longitudinal edges of said plate". While Figure 3 shows studs radially extending beyond the horizontal plane of the front/reverse side of the wristband, it cannot be said that the "positioning counterparts [are] located on the reverse side of the wristband structure," as required by Claim 1. Rather, the cylindrical studs of *Chagnoux* are located on the left and right edges of the wristband, while the positioning counterparts of the claimed invention are located on the reverse side of the wristband.

It is presumed that the Examiner may have made a typographical error when referring to the "plan" and that the Examiner intended to refer to the "plane". However, for sake of completeness, a plan is defined as a "drawing made to scale to represent the top view of a horizontal structure or a machine, as a floor layout of a building" (Websters Universal Unabridged Dictionary, p. 1482, 1998).

In any event, this is not what is recited in Claim 1, which is that "the positioning counterparts [are] located on the reverse side of the wristband structure", not that the positioning counterparts are located in the horizontal plan or plane of the front/reverse side of the wristband. The difference being that the horizontal plane of the reverse side of the wristband, which is

shown as including the shaded portion in attached Figure C, extends infinitely beyond the reverse side of the wristband, which is shown as the shaded portion of attached Figure D. Thus, *Chagnoux* does not show that the studs are located on the reverse side of the wristband.

Additionally, it is submitted that the portion of the studs, as shown in Figure 1 of *Chagnoux*, which extend through the horizontal plane of the front side of the wristband are not the positioning counterpart. Rather, only the portion of the studs that extends from the edges of the wristband are used for positioning.

In the paragraph bridging pages 7 and 8 of the Examiner's Answer, the Examiner contends that *Chagnoux* discloses that "the direction of the positioning counterparts corresponds to that of the positioning means belonging to the case structure." The Examiner appears to contend that the studs 4c and 4d of *Chagnoux*, which extend longitudinally from the edges of the wristband along the horizontal plane of the wristband, are inserted in the recessed grooves 2a and 2b formed in the horns 2e of the case. However, it is submitted that the direction in which the positioning counterparts of the claimed invention extend and the direction in which the studs of *Chagnoux* extend are different.

Furthermore, it is submitted that *Chagnoux* does not disclose the locking projection structure or the locking counterpart of the claimed invention. The projections 4a and 4d of the wristband freely slide into and out of the recessed grooves 2a and 2d of the watchcase, respectively. The wristband of *Chagnoux* is only held in place by tension when the "the watch" is attached to "the wrist," but the wristband is not interlocked with the case, as required by Claim

1 (*Chagnoux* column 3, lines 7-8). Thus, when the watch is removed from the wrist, nothing prevents the wristband from being drawn apart from the case. In contrast to the structure of *Chagnoux*, the claimed invention includes "a locking arrangement for interlocking the case and the wristband" that prevents "the wristband from becoming apart from the case." [Emphasis added]. Thus, whether the case is attached to the wrist or not, the wristband of the claimed invention is interlocked with the case.

Further, the limitations of Claims 2, 8, and 9 were not addressed during prosecution. Rather, it was not until the discussion provided at page 8, lines 13-19 of the Examiner's Answer that these claims were addressed. Thus, Applicants were denied a full and fair opportunity to respond during prosecution, as required by In Re Kronig.

In view of the foregoing, it is respectfully requested that the outstanding rejections set forth by the Examiner in the final Office Action of September 7, 2006 be reversed.

Respectfully submitted,

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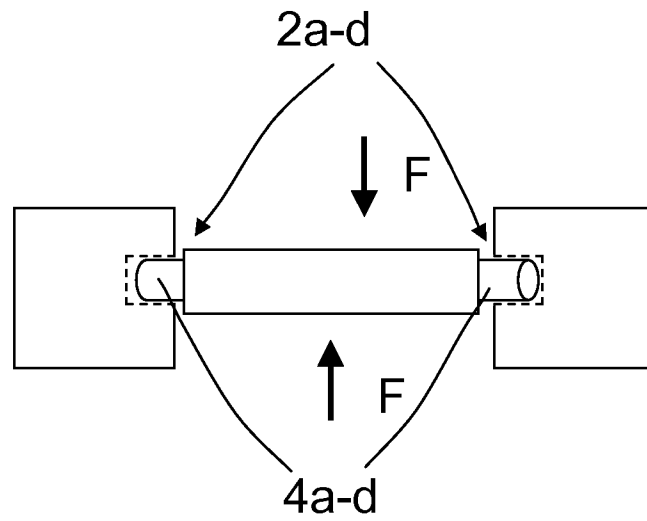


Figure A

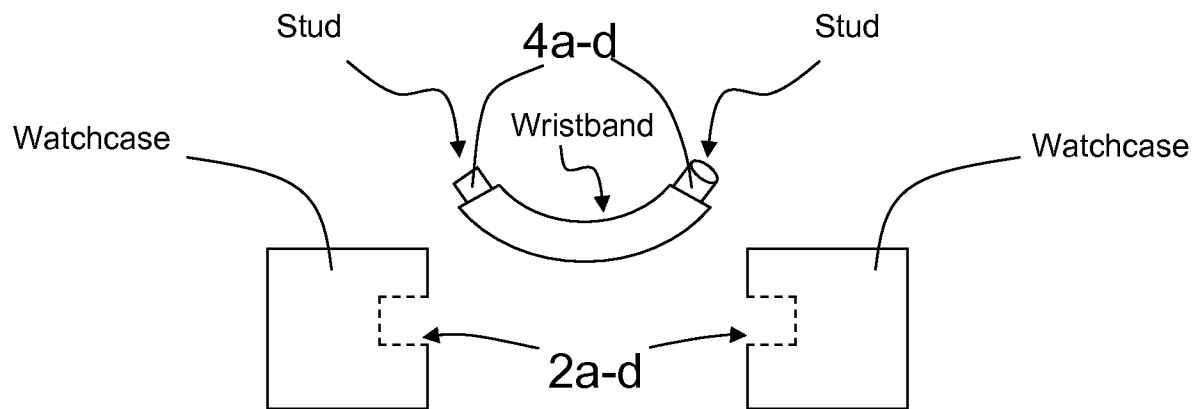


Figure B

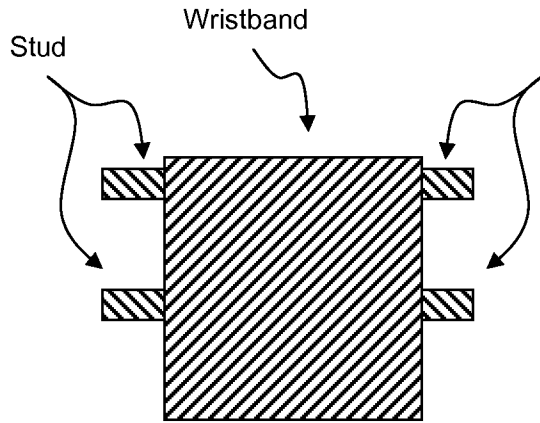


Figure C

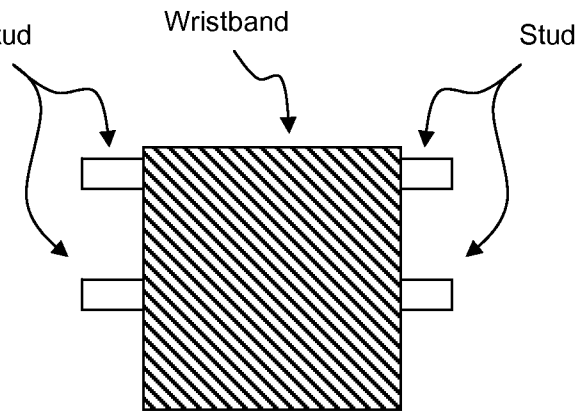


Figure D